IN THE HIGH COURT OF UTTARANCAL AT NAINITAL

Writ Petition No. 459 of 2006 (M/B)

Mahila Mandal, Gram Suraj Khet,
through its President Smt. Pramila Dwivedi,
W/o J.P. Dwivedi, R/o Village Suraikhet,
Block Kahrikhal, Tehsil Lansdown,
District Pauri Garhwal (Uttaranchal). …… Petitioner.

Versus

1. State of Uttaranchal,
through Education Secretary,
Government of Uttaranchal,
Dehradun (Uttaranchal).
2. District Magistrate, Pauri Garhwal.
3. Basic Shiksha Adhikari,
District Pauri Garhwal.
4. Narendra Singh Bhandari,
Hon'ble Minister of Education,
Government of Uttaranchal,
Dehradun (Uttaranchal) ……. Respondents

Mr. Pankaj Purohit, Advocate for the petitioner.
Mr. N.C. Gupta, Standing Counsel for respondents Nos. 1 to 3.

JUDGMENT

Coram: Hon. Rajeev Gupta, C.J.
Hon. Prafulla C. Pant, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. Pankaj Purohit, Advocate for the petitioner.

Mr. N.C. Gupta, Standing Counsel for respondents Nos. 1 to 3.

They are heard.

2. Petitioner Mahila Mandal has filed this writ petition for the following reliefs:

> "a. Issue a writ, order or direction in the nature of Mandamus commanding the respondents from dismantling tShe existing building of Primary School Sukoli, established in year 1986 situated in village Suraikhet and restraining them to shift the aforesaid school to village Sukoli Tali in the newly constructed school building;
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> b. Issue a writ, order or direction in the nature of Mandamus commanding the respondent Nos. 1 and 3 to continue the Primary School Sukoli established in the year 1968 at its original place in village Suraikhet Gram Panchayat Naugaon, Tehsil Lansdowne, District Pauri Garhwal;

c. Issue a writ, order or direction in the nature of Mandamus commanding the respondents to direct a proper Gram Shiksha Samiti to be constituted consisting of the representatives from the present Gaon Sabha Naugaon having jurisdiction over village Suraikhet and its other periphery in terms of he provisions of the U.P. Basic Education Act 1972.

d. Issue a writ, order or direction in the nature of Certiorari to call for the record and to quash the official communiqué letter No. RPN dated 16.09.2004 passed by State Project Officer Sarva Shiksha Abhiyan Uttaranchal and the order/letter No. SSA/439/92/ 2204-05 dated 16.11.2004 passed by the respondent No. 2 contained in Annexure 5;

e. Issue a writ, order or direction in the nature of Mandamus commanding the respondents to hold an independent inquiry into the matter of entire episode of irregularities;

f. Issue any suitable writ, order or direction as this Hon'ble Court may deem fit and proper under the facts and circumstances of the case;

g. Award cost to the petitioner all throughout."

3. The petitioner is aggrieved of the shifting of the school from Village Suraikhet to Village Sukoli Talli, where a new building has been constructed for housing the said school.

4. Where a school should be located, is entirely for the authorities to decide and Courts have no role to plSay in such matters.

5. On due consideration of the submissions of the learned counsel for the parties and the material place before us, we do not find any illegality in the action of the respondents in shifting the school from Village Suraikhet to Village Sukoli Talli. The writ petition, therefore, is liable to be dismissed.

6. The petitioner, however, shall be at liberty to make a representation to the appropriate authorities for establishment of a new school at Village Suraikhet.

7. With the above observation, the writ petition stands disposed of.

(Prafulla, C. Pant, J.)
25.04.2006

(Rajeev Gupta, C.J.)
25.04.2006

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